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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,240	10/17/2003	Reinhold Opper	0275M-000769	2494
27572	7590	11/09/2006	EXAMINER	
HARNESS, DICKEY & PIERCE, P.L.C.			EDMONDSON, LYNNE RENEE	
P.O. BOX 828			ART UNIT	PAPER NUMBER
BLOOMFIELD HILLS, MI 48303			1725	

DATE MAILED: 11/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/688,240

Applicant(s)

OPPER, REINHOLD

Examiner

Lynne Edmondson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/30/06.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-18,22,28,30,32 and 34-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-18,34,36,37 and 39-55 is/are allowed.
- 6) ☒ Claim(s) 56,59,60 and 63 is/are rejected.
- 7) ☒ Claim(s) 57,58,61 and 62 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 56, 59, 60 and 63 are rejected under 35 U.S.C. 102(e) as being anticipated by Van Ossenbruggen (US 20020131267).

Van Ossenbruggen teaches a riveting device comprising a driver (paragraph 1), a laser, a reference position or point and a connecting element (rivet or bolt) connected to the component (paragraphs 51 and 52). The reference point can be a hole or point of light which matches the shape of the connector and can be changed or adjusted relative to other parts of the apparatus. Light can be directed at an angle (figure 6, paragraphs 69 and 80). It is noted that the vehicle processed does not further limit the apparatus. An apparatus capable of processing an aircraft wing would typically be capable of processing an automobile.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 56, 59, 60 and 63 are rejected under 35 U.S.C. 102(b) as being anticipated by Spies (USPN 4120093) in view of Lohrmann (USPN 5145278).

Spies teaches a riveting device comprising a driver (paragraph 1), a laser, a reference position or point and a connecting element (bolt) connected to the component (figures 1, 3, 4). The reference is a bolt or point of light which matches the shape of the connector and can be changed or adjusted relative to other parts of the apparatus. Light can be directed at an angle (figure 10, col 2 line 65 – col 3 line 14 and col 3 lines 29-53). It is noted that the member processed does not further limit the apparatus. However there is no disclosure of a rivet in particular.

Lohrmann teaches connection of large members via any suitable fastener which includes rivets and bolts. No distinction is made (col 3 lines 15-43 and col 7 lines 34-51).

It would have been obvious to one of ordinary skill in the art at the time of the invention that a rivet is an obvious variation of a bolt and is known as such in the art and that a device capable of handling large members would be capable of handling automobile panels.

Response to Arguments

5. Applicant's arguments, filed 8/30/06, have been fully considered and are persuasive.

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6. The 112 rejection of claims 11-14 has been withdrawn.
7. The objection of claims 34, 36 and 37 has been withdrawn.
8. It is noted that claims 1-10, 19-33, 35 and 38 have been canceled.

Allowable Subject Matter

9. Claims 11-18, 34, 36, 37 and 39-55 are allowed.
10. Claims 57, 58, 61 and 62 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Rantsch (USPN 3130633, similar apparatus, drill bit, oblique light), Watanabe (USPN 3728027, similar apparatus, drill placement, oblique light) and McClay et al. (USPN 4620656, laser positioning for riveting as conventional).
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynne Edmondson whose telephone number is (571) 272-1172. The examiner can normally be reached on Monday through Thursday from 6:00 a.m. to 4:30 p.m.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached on (571) 272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Lynne Edmondson
Primary Examiner *LE*
Art Unit 1725

11/7/02

LRE